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April 13, 2020

Hon. Elizabeth A. Wolford
United States District Judge
Kenneth B. Keating Federal Building
100 State Street
Rochester, New York 14614

Re: The Pike Company, Inc. v. Universal Concrete Products, Corp.
WDNY Case No.: 6:17-cv-06365
MDMC File No.: U0152.1001

Dear Judge Wolford:

This firm represents the defendant, Universal Concrete Products, Corp. (“Universal”) in the above referenced matter. Universal filed a motion for summary judgment on March 16, 2020 (Dkt.65).

Universal’s motion included as an exhibit the deposition of Richard Merkhofer. It has come to my attention that the transcript was missing the court reporter’s certification. I submit the missing certification herewith. I respectfully request that the Court deem the certification page a part of Docket 65-5 (Exhibit “C” to the motion).

Thank you for your attention to this matter, and I apologize to the Court and counsel for my oversight, and any inconvenience caused thereby.

Respectfully submitted,

McELROY, DEUTSCH, MULVANEY
& CARPENTER, LLP

s/Theodore M. Baum

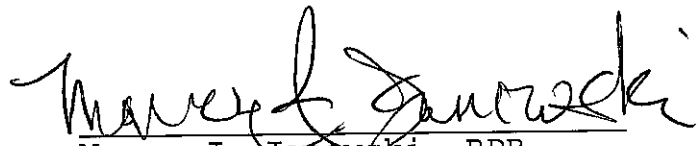
Theodore M. Baum

TMB/

cc: David McNamara, Esq. (via CM-ECF)
Erin Borek, Esq. (via CM-ECF)

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2 April 13, 2020
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6 I hereby certify that the evidence
7 and proceedings are contained fully and accurately in
8 the notes taken by me of the testimony of the within
9 witness who was duly sworn by me, and that this is a
10 correct transcript of the same.
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13 Marcy J. Janowski, RPR
14 Registered Professional Reporter
15 Notary Public
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19 The foregoing certification does not apply to any
20 reproduction of the same by any means unless under the
21 direct control and/or supervision of the certifying
22 reporter.
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